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8 **UNITED STATES DISTRICT COURT**  
9 **SOUTHERN DISTRICT OF CALIFORNIA**  
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11 KEVIN O. GUNN,

12 Petitioner,

13 v.

14 J.F. SALAZAR, Warden,

15 Respondent.

Civil No. 08-0972 LAB (WMc)

**ORDER GRANTING APPLICATION  
TO PROCEED IN FORMA PAUPERIS**

16 On May 27, 2008, Petitioner, a state prisoner proceeding pro se, filed a Petition for Writ  
17 of Habeas Corpus pursuant to 28 U.S.C. § 2254. [Doc. No. 1.] This Court dismissed the  
18 Petition without prejudice on June 10, 2008, for Petitioner's failure to either pay the filing fee  
19 or move to proceed in forma pauperis, and for Petitioner's failure to allege exhaustion as to  
20 claim six. [Doc. No. 3.]

21 On June 23, 2008, Petitioner filed a First Amended Petition along with an Application  
22 to Proceed In Forma Pauperis. [Docs. No. 4, 5.] Petitioner has \$0.00 on account at the  
23 California correctional institution in which he is presently confined. Petitioner cannot afford the  
24 \$5.00 filing fee.

25 Thus, the Court **GRANTS** Petitioner's application to proceed in forma pauperis, and  
26 allows Petitioner to prosecute the above-referenced action as a poor person without being  
27 required to prepay fees or costs and without being required to post security.

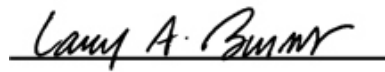
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1 The Clerk of the Court shall file the Petition for Writ of Habeas Corpus without  
2 prepayment of the filing fee.

3 **IT IS SO ORDERED.**

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5 DATED: June 30, 2008

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7 **HONORABLE LARRY ALAN BURNS**  
8 United States District Judge  
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